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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,955	04/15/2004	Michael J. McHugh	SECURE.1001	7463
7590 10/05/2005			EXAMINER	
Hayes Soloway PC 175 Canal Street Manchester, NH 03101			LA, ANH V	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 10/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,955	Applicant(s) MCHUGH ET AL.	
	Examiner Anh V. La	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/2/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Grubbs.

Regarding claim 1, Grubbs discloses a tag secured to an object for monitoring the object comprising a strap 50 with a first end, a second end, an electrical path 54, one or more raised portions (figure 5A), a cradle 26, an integrated circuit with a first contact 56 and a second contact 56 (fig. 5B).

Regarding claim 2, Grubbs clearly discloses monitoring one or more electrical properties of the path and transmitting a signal when the properties change.

Regarding claim 3, Grubbs discloses the path being thicker along portions of the strap that make contact with the cradle (fig. 1-5B).

Regarding claim 4, Grubbs discloses the path being thicker along high stress portions of the strap (fig. 1-5B).

Regarding claim 5, Grubbs discloses the proximal end and distal end being on the first end of the strap (fig. 5B, 5A).

Regarding claim 6, Grubbs discloses a housing 30 (fig. 2A).

Regarding claim 7, Grubbs discloses the cradle and the housing sandwich the strap (fig. 2A).

Regarding claim 8, Grubbs discloses a recessed portion of the cradle (fig. 2A).

Regarding claim 9, Grubbs discloses the strap having a proximal portion and a distal portion and the proximal portion being narrower than the distal portion (fig. 5A, 5B).

Regarding claim 10, Grubbs discloses adhesive coupling the first end of the strap to a surface of the cradle (fig. 2A).

Regarding claim 11, Grubbs discloses a post of the cradle and an opening 52 of the strap.

Regarding claim 12, Grubbs discloses a cinching mechanism (fig. 2A).

Regarding claim 13, Grubbs discloses two or more openings on the strap (fig. 2A).

Regarding claim 14, Grubbs discloses the path zigzagging (fig. 5A).

Regarding claim 15, Grubbs discloses a housing slidably coupling to one or more rails on the cradle (fig. 2A).

Regarding claim 16, Grubbs discloses a tag secured to an object for monitoring the object comprising a strap 50 with a first end, a second end, an electrical path 54, a cradle 26, an integrated circuit with a first contact 56 and a second contact 56, the integrated circuit monitoring one or more electrical properties of the path (fig. 5B), and a transmitter 20 radiating a radio wave (column 4, line 55- col. 5, line 67).

Regarding claim 17, Grubbs discloses an antenna and the transmitter radiating the radio wave through the antenna and the path when the one or more electrical properties change (col. 4, line 55- col. 5, line 67).

Regarding claim 18, Grubbs discloses an antenna and the transmitter radiating the radio wave through the first end of the path when the one or more electrical properties change (col. 4, line 55- col. 5, line 67).

Regarding claim 19, Grubbs discloses a break point (col. 4, line 55- col. 5, line 67).

Regarding claim 20, Grubbs discloses the transmitter 20 radiating the radio wave through the antenna and the second end of the path when the one or more electrical properties change (col. 4, line 55- col. 5, line 67).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman in view of Fukuda.

Regarding claim 21, Reisman discloses a tag secured to an object for monitoring the object comprising an object proximity detector 42, a motion sensor 44, a transmitter 65, a monitoring system, and an integrated circuit 50, wherein the circuit signaling the monitoring system via the transmitter when the proximity detector is separated from the object. Reisman does not disclose the circuit increasing power consumption of the tag for a period of time when the motion sensor detects motion. However, it is old and well-known that power consumption is increasing during transmitting/receiving process.

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Fukuda teaches a circuit increasing power consumption of a tag for a period of time when a motion sensor detects motion (col. 2, lines 42-54). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the circuit increasing power consumption of the tag for a period of time when the motion sensor detects motion to the tag of Reisman as taught by Fukuda for the purpose of providing power supply during the transmitting process of the transmitter.

Regarding claim 22, Reisman as modify by Fukuda discloses supply power to the transmitter (Fukuda, figure 5).

Regarding claim 23, Reisman as modify by Fukuda discloses supply power to the proximity detector (Fukuda, figure 5).

Regarding claim 24, Reisman as modify by Fukuda discloses transmitting a periodic signal via the transmitter to the monitoring system (abstract).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stephenson and Libman disclose tagging devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
September 20, 2005